

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JENNISE SAMUELS NOEL,

Plaintiff,

v.

MACARTHUR CORP AND/OR MAC
ARTHUR CORPORATION, a domestic
entity, and JACK van den BOOGAART,
individually,

Defendants.

Case No. _____

Hon. _____

Removed from Genesee County
Case No. 18-112075-CZ

TOM R. PABST (P27872)
2503 S. Linden Road
Flint, MI 48532
(810) 732-6792
Attorney for Plaintiff

JACKSON LEWIS P.C.
Katherine J. Van Dyke (P62806)
Kristyn R. Mattern (P77548)
2000 Town Center, Suite 1650
Southfield, MI 48075
(248) 936-1900
katherine.vandyke@jacksonlewis.com
kristyn.mattern@jacksonlewis.com
Attorneys for Defendants

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, Defendants MacArthur Corp.¹ and Jack van Den Boogaart remove this action from the Genesee County Circuit Court, where it is currently pending, to the United States District Court

¹ The correct legal entity is MacArthur Corp. “Mac Arthur Corporation” is an assumed name of MacArthur Corp.

for the Eastern District of Michigan. In support of their Notice of Removal, Defendants state:

1. On December 20, 2018, Plaintiff Jennise Samuels Noel filed an action against Defendants entitled *Jennise Samuels Noel v. Macarthur Corp and/or Mac Arthur Corporation and Jack van den Boogaart* in the Circuit Court for Genesee County, State of Michigan. (Exhibit 1, Summons & Complaint.)

2. The Complaint alleges three causes of action: (1) Count I for Family and Medical Leave Act (“FMLA”) interference; (2) Count II for FMLA retaliation; and (3) Count III for violations of the Americans with Disabilities Act (“ADA”) & Americans with Disabilities Amendments Act of 2008 (“ADAAA”) (against MacArthur only).

3. This Court has original jurisdiction over Plaintiff’s FMLA and ADA/ADAAA claims pursuant to 28 U.S.C. §1331. Accordingly, removal from the state court to this Court because of the existence of a federal question is proper under 28 U.S.C. § 1441 *et seq.*

4. Defendant Jack van den Boogaart first received a copy of the Summons and Complaint on January 4, 2019. Defendant MacArthur Corp. first received a copy of the Summons and Complaint in this matter on January 7, 2019.

5. Removal is timely under 28 U.S.C. §1446(b) because fewer than thirty days have passed since Plaintiff served her Complaint.

6. In addition to the Complaint, Plaintiff also filed her witness list, attached at Exhibit 2. All of the pleadings filed by Plaintiff with the Genesee Circuit Court are included as exhibits with this Notice.

7. This Notice of Removal has been served upon Plaintiff by mail and e-mail to her counsel, and a Notice of Filing Notice of Removal is being promptly filed with the Clerk of the Court for the County of Genesee, State of Michigan, pursuant to § 1446(b).

WHEREFORE Defendants respectfully request that this action be removed from the Genesee Circuit Court to this Court pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, that this Court accept jurisdiction of this action, and that this action be placed upon the docket of this Court for further proceedings as if this case had been originally instituted in this Court.

Respectfully submitted,
JACKSON LEWIS P.C.

/s/ Kristyn R. Mattern

Katherine J. Van Dyke (P62806)

Kristyn R. Mattern (P77548)

2000 Town Center, Suite 1650

Southfield, MI 48075

(248) 936-1900

katherine.vandyke@jacksonlewis.com

kristyn.mattern@jacksonlewis.com

Attorneys for Defendant

Dated: January 24, 2019

PROOF OF SERVICE

The undersigned hereby certifies that the foregoing instrument was served upon all parties/attorneys in the above cause at their respective addresses disclosed on the pleadings on January 24, 2019 by:

☐ Hand Delivery

☒ U. S. Mail

☐ ECF

☐ FAX

☒ E-Mail

/s/ Kristyn R. Mattern

/S/ KRISTYN R. MATTERN